IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Assignee..... Battelle Memorial Institute
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Examiner ..... Ajibade Akonai Olumide
Attorney's Docket No. E-1672 (BA4-215)
Customer No. 021567
Title: Communications Device Identification Methods, Communications Methods, Wireless Communications Readers, Wireless Communications Systems, And Articles Of Manufacture

BRIEF OF APPELLANT

To: Mail Stop Appeal Brief-Patents
Commissioner of Patents
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Appellant appeals from the Office Action mailed January 7, 2009 (hereinafter "Office Action" or "Action"). The Commissioner is authorized to charge the fee required under 37 C.F.R. § 41.20(b)(2) to Deposit Account No. 23-0925.

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I. REAL PARTY IN INTEREST

The real party in interest of this application is the U.S. Department of Energy as evidenced by the full assignment of the pending application to U.S. Department of Energy recorded starting at Reel 015096, Frame 015142, and the full assignment of the pending application to Battelle Memorial Institute recorded starting at Reel 014974, Frame 0337 in the Assignment Branch of the Patent and Trademark Office.

II. RELATED APPEALS AND INTERFERENCES

Appellant, Appellant's undersigned legal representative, and the assignee of the pending application are aware of no appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 1-49 are pending. Claims 1, 8-14, 16, 32-38, 41, 42, 45, and 47-49, stand rejected, and are appealed. Claims 2-7, 15, 17-31, 39, 40, 43, 44 and 46 are indicated to recite allowable subject matter.

IV. STATUS OF AMENDMENTS

No amendments have been filed after the Office Action mailed January 7, 2009.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Concise explanations of the subject matter defined in each of the independent claims and argued dependent claims involved in the appeal follow with respect to exemplary illustrative embodiments of the specification and figures.

Referring to independent claim 1, providing identification information regarding a group of wireless identification devices within a wireless communications range of a reader is discussed at page 10, line 5 of the specification according to one embodiment. Using the provided identification information, selecting one of a plurality of different search procedures for identifying unidentified ones of the wireless identification devices within the wireless communications range is described with reference to Fig. 5 and page 14, line 12 according to one embodiment. Identifying at least some of the unidentified ones of the wireless identification devices using the selected one of the search procedures is described with respect to steps S52 and S56 of Fig. 5 and described at page 15, line 26 according to one embodiment.

Referring to independent claim 12, identifying a first of a plurality of wireless identification devices within a wireless communications range of a reader configured to communicate with the wireless identification devices and identifying a second of the wireless identification devices within the wireless communications range of the reader is described at page 15, line 10 and step S50 of Fig. 5 according to one embodiment. Selecting one of a plurality of different search procedures using the identifyings of the first and the second of the wireless identification devices is described with reference to Fig. 5 and page 14, line 12 according to one embodiment. Identifying at least one unidentified wireless identification device within the wireless communications range using the selected one of the search procedures is described with respect to steps S52 and S56 of Fig. 5 and described at page 15, line 26 according to one embodiment.

Referring to dependent claim 13, wireless identification devices having minimum and maximum identifiers are described at page 15, line 10 according to one embodiment.

Referring to independent claim 32, an article of manufacture comprising a medium comprising executable instructions is described at page 8, line 8 according to one embodiment. Processing circuitry of a wireless communications reader is described at page 7, line 22 according to one embodiment. Accessing information regarding a plurality of wireless identification devices which may be within a communications range of the wireless communications reader is described at page 10, line 5 of the specification according to one embodiment. Selecting one of a plurality of different search procedures using the accessed information, wherein the different search procedures comprise procedures for identifying unidentified ones of the wireless identification devices is described with reference to Fig. 5 and page 14, line 12 according to one embodiment. Identifying unidentified ones of the wireless identification devices using the selected one of the search procedures is described with respect to steps S52 and S56 of Fig. 5 and described at page 15, line 26 according to one embodiment.

Referring to dependent claim 33, the processing circuitry accessing the information comprising a range of identifiers of the wireless identification devices and a number of the wireless identification devices is described at steps S44, S46, S48 and S50 of Fig. 5 and page 14, line 26 according to one embodiment.

Referring to dependent clam 48, the search procedures being individually configured to enable identification of a plurality of the wireless identification devices

during a single execution of the respective individual search procedure are described at page 10, line 6 according to one embodiment.

Referring to dependent clam 49, the search procedures being individually configured to enable identification of a plurality of the wireless identification devices during a single execution of the respective individual search procedure are described at page 10, line 6 according to one embodiment.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A. The 103 rejection of claims 1, 8-11, 35-36, 41-42 and 48 over Becker and Shanks.

B. The 103 rejection of claims 12-14, 16, 37-38 and 45 over Becker and Shanks.

C. The 103 rejection of claims 32-34, 47 and 49 over Becker and Shanks.

D. The 103 rejection of claim 13 over Becker and Shanks.

E. The 103 rejection of claim 33 over Becker and Shanks.

F. The 103 rejection of claims 48 and 49 over Becker and Shanks.

VII. ARGUMENTS

A. Positively-recited limitations of claims 1, 8-11, 35-36, 41-42 and 48 are not disclosed nor suggested by Becker and Shanks and the 103 rejection is in error.

Referring to independent claim 1, the method recites *providing identification information regarding a group of wireless identification devices within a wireless communications range of a reader; and using the provided identification information,*

selecting one of a plurality of different search procedures for identifying unidentified ones of the wireless identification devices within the wireless communications range.

Appellants respectfully submit that the above-recited limitations are not disclosed nor suggested by US Patent Application No. 2004/0046642 to Becker (hereinafter "Becker") and US Patent No. 7,075,436 to Shanks (hereinafter "Shanks") taken alone or in combination and the 103 rejection is in error for at least this reason.

The Office at page 3 of the Office Action states that Becker fails to teach the claimed selecting limitations and relies upon the teachings of Shanks to cure the deficiencies of Becker. Appellants respectfully submit the 103 rejection is improper since the above-recited limitations are not disclosed nor suggested by the prior art references taken alone or in combination.

The Office relies upon the teachings of Fig. 1, and cols. 3 and 31 of Shanks as teaching the above-recited selecting limitations. The teachings in col. 31, lines 32-43 of Shanks refer to a *general read interrogation* method to interrogate a population of tags while the teachings in col. 3, lines 59+ of Shanks also refer to a *general read* of a plurality of tag devices in a population of tag devices. The teachings in col. 3, lines 35+ and col. 31, lines 55+ of Shanks disclose teachings for identifying a *specific single RFID tag*.

Accordingly, Shanks discloses one general search procedure and one specific search procedure. However, as is clear from the teachings of col. 31 with respect to the specific search procedure, the identity of the particular tag 102 is known and the reader traverses through the tag population using the particular bit pattern for the tag. This specific search procedure of Shanks fails to teach or suggest a *plurality of different*

search procedures for identifying ***unidentified*** *ones of the devices within the wireless communications range* as specifically claimed.

Appellants respectfully submit the combination of Becker and Shanks fails to disclose positively-claimed limitations including the plurality of different search procedures even if the references are combined and the103 rejection is in error for at least this reason.

In addition, the *Office fails to identify any teachings in Shanks which allegedly disclose selection of the general search procedure or specific search procedure.* In particular, Appellants respectfully submit the mere disclosure of the use of general and specific searching methods of Shanks fails to disclose or suggest the claimed limitations of *selecting one of the plurality of different search procedures* let alone *selecting one of the plurality of search different procedures using the provided identification information regarding a group of wireless identification devices within a wireless communications range of a reader* as specifically claimed in claim 1.

The Office at page 3 of the Office Action states that it is obvious to combine the selecting of Shanks with Becker. However, the Office has failed to identify any teachings in Shanks of selecting different search procedures in Shanks let alone *selecting using provided identification information regarding a group of wireless identification devices within a wireless communications range of a reader.*

Appellants respectfully submit that MPEP 2143.03 (8th ed., rev. 7) provides that *each limitation of a claim must be shown to be taught or suggested by a combination of art for a proper 103 rejection.* Appellants respectfully submit that the positively-recited selecting limitations of claim 1 are not disclosed nor suggested by the prior art even if

the teachings of Shanks are combined with the teachings of Becker and the 103 rejection is in error.

The Office relies upon group address teachings of paragraph 0048 of Becker as allegedly teaching the limitations of *providing identification information regarding a group of wireless identification devices within a wireless communications range of a reader.* The rejection fails to set forth any rationale as to how the generic group address teachings of Becker and the general and specific search methods of Shanks obviate the claimed limitations of *selecting one of the different search procedures using the provided identification information* as specifically claimed. *The Office has failed to set forth any basis how the group address teachings of paragraph 0048 would be used to select one of the search procedures of Shanks let alone that such would be obvious to one of ordinary skill the art.*

Appellants respectfully submit the Office has failed to set forth a proper 103 rejection for at least the above-mentioned reasons. MPEP 2142 states that the concept of prima facie obviousness allocates who has the burden of going forward with production of evidence in each step of the examination process and the *examiner bears the initial burden of* ***factually*** *supporting any prima facie conclusion of obviousness.* MPEP §2142 (8th ed., rev. 7). *Some articulated reasoning with some rational underpinning* to support the legal conclusion of obviousness is needed. *KSR Int'l v. Teleflex, Inc.*, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007). MPEP 2142 (8th ed., rev. 7) further provides that rejections on obviousness *cannot be sustained with mere conclusory statements*; instead there must be some articulated reasoning with some rational underpinning to support a legal conclusion of obviousness and which

must be *factually supported* per MPEP 2142. Furthermore, the key to supporting any rejection under 103 is the *clear articulation of the reason(s) why the claimed invention would have been obvious.* MPEP 2142 (8th ed., rev. 7).

Appellants respectfully submit the Office has failed to provide a proper articulated reasoning with a rational underpinning of how the claimed selecting limitations are taught or suggested to one of ordinary skill in the art by the disparate teachings of Becker and Shanks. MPEP 2144 II (8th ed., rev. 7) provides the strongest rationale for combining references is a *recognition expressly or impliedly in the prior art* or drawn from a *convincing line of reasoning based on established scientific principles or legal precedent that some advantage or expected beneficial result would have been produced by the combination.* However, in the instant Office Action, the Appellants respectfully submit the Office has failed to provide any rationale as to how the generic group address information teachings of Becker would be combined with Shanks and used to select one of the general and specific search procedures of Shanks let alone that an advantage or expected benefit would result.

The Office also claims that the combination is appropriate for the benefit of efficiently interrogating a population of RFID tags. However, the Office has failed to identify any teachings or provide any reasoning as to how the group address information of Becker would be used to select a search procedure of Shanks let alone that if such teachings were so combined that the result would offer improved efficiency or any other benefit or advantage.

The Office at page 10 in the "Response to Arguments" section of the Office Action states that Becker as modified by Shanks can be used to using one of a plurality

of search techniques to search for unidentified RFID tags, wherein the interrogating unit can use a group address/information to search for the unidentified tags. Appellants initially note the Office fails to refer to any teachings in Becker or Shanks. Furthermore, even if the combination of reference teachings of Shanks with Becker is appropriate, Shanks is void of selecting a search procedure and such combination fails to teach or suggest the limitations of *selecting one of the different search procedures using the provided identification information regarding a group of wireless identification devices within a wireless communications range of a reader* as specifically claimed.

MPEP 2142 (8th ed., rev. 7) further provides that *knowledge of Appellants' disclosure must be put aside in reaching a determination of obviousness, impermissible hindsight must be avoided* and the *legal conclusion ob obviousness must be reached on the basis of the facts gleaned from the prior art*. Appellants respectfully submit that the Office has improperly relied upon Appellants' application disclosure in the absence of objective evidence and a properly articulated reasoning to combine the prior art teachings to arrive at the combination of limitations reciting *using the provided identification information, selecting one of a plurality of different search procedures for identifying unidentified ones of the wireless identification devices within the wireless communications range.*

Appellants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination. Furthermore, Appellants respectfully submit the Office has failed to present a proper reasoning with rational underpinning in support of the 103 rejection. Appellants

respectfully request reversal of the 103 rejection for at least the above-mentioned compelling reasons.

B. Positively-recited limitations of claims 12-14, 16, 37-38 and 45 are not disclosed nor suggested by Becker and Shanks and the 103 rejection is in error.

Referring to independent claim 12, the method recites identifying a first of a plurality of wireless identification devices within a wireless communications range of a reader configured to communicate with the wireless identification devices; identifying a second of the wireless identification devices within the wireless communications range of the reader; and ***selecting one*** *of a plurality of different search procedures* ***using the identifyings of the first and the second of the wireless identification devices***.

Appellants respectfully submit that the above-recited limitations are not disclosed nor suggested by Becker and Shanks taken alone or in combination and the 103 rejection is in error for at least this reason.

The Office at page 4 of the Office Action states that Becker is void of teaching or suggesting the claimed selecting limitations and the Office relies upon the teachings of Shanks. Shanks at col. 3, lines 32-65 discloses two different search procedures including a general and specific search procedure. However, the Office has failed to identify any teachings in Shanks as to how the different general or specific search procedures are selected. Furthermore, the Office has failed to identify any teachings in the prior art which disclose or suggest the specific limitations of *selecting one of the different search procedures* ***using the identifyings of the first and the second of the wireless identification devices.***

Appellants respectfully submit that MPEP 2143.03 (8th ed., rev. 7) provides that *each limitation of a claim must be shown to be taught or suggested by a combination of art for a proper 103 rejection.* Appellants respectfully submit the limitations of selecting one of the different search procedures using the identifyings of the first and second of the wireless identification devices is not disclosed nor suggested by the prior art references taken alone in combination and the 103 rejection is in error for at least this reason.

Appellants also respectfully submit the combination of limitations recited in independent claim 12 may not be fairly considered to be obvious from the combined teachings of the references. The Office alleges at page 5 of the Office Action that it would have been obvious to combine the teachings of Shanks by using selecting a general or specific interrogation technique to search for RFID tags based on a number/identifier, into the system of Becker, for the benefit of efficiently interrogating a population of RFID tags. However, this alleged combination of teachings, even if a result of a proper combination, fails to teach or suggest the claimed limitations of selecting one of the different search procedures using the identifyings of the first and the second of the wireless identification devices as specifically claimed.

Appellants respectfully submit that teachings of Becker and Shanks fail to teach or suggest the claimed limitations even if the references are combined and the 103 rejection is in error for at least this reason.

The Office at page 5 claims that the combination is appropriate for the benefit of efficiently interrogating a population of RFID tags. However, the Office has failed to identify any teachings or provide any reasoning as to how the identification information

of Becker would be used to select a search procedure of Shanks let alone that if such teachings were so combined that the result would offer any benefit or advantage.

Appellants respectfully submit the Office Action fails to set forth a proper reasoning with a rational underpinning in support of the combination of references. The Office has failed to provide objective evidence in support of the combination and Appellants respectfully submit the Office has improperly relied upon Appellants' disclosure in formulating the 103 rejection. Furthermore, even if the references are combined, the combination fails to teach or suggest positively-recited limitations of the claim including *selecting one of the different search procedures using the identifyings of the first and second of the wireless identification devices*.

Appellants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination. Furthermore, Appellants respectfully submit the Office has failed to present a proper reasoning with rational underpinning in support of the 103 rejection. Appellants respectfully request reversal of the 103 rejection for at least the above-mentioned compelling reasons.

C. Positively-recited limitations of claims 32-34, 47 and 49 are not disclosed nor suggested by Becker and Shanks and the 103 rejection is in error.

Referring to independent claim 32, the claimed recites *accessing information regarding a plurality of wireless identification devices which may be within a communications range of the wireless communications reader and selecting one of a plurality of different search procedures using the accessed information, wherein the*

different search procedures comprise procedures for identifying unidentified ones of the wireless identification devices.

Appellants respectfully submit that the above-recited limitations are not disclosed nor suggested by Becker and Shanks taken alone or in combination and the 103 rejection is in error for at least this reason.

As discussed above, Shanks at cols. 3 and 31 discloses one general search procedure and one specific search procedure. However, as is clear from the teachings of col. 31 with respect to the specific search procedure, the identity of the particular tag 102 is known and the reader traverses through the tag population using the particular bit pattern for the tag. This specific search procedure of Shanks fails to teach or suggest a *plurality of different search procedures for identifying* ***unidentified*** *ones of the devices* as specifically claimed.

Appellants respectfully submit the combination of Becker and Shanks fails to disclose positively-claimed limitations including the plurality of different search procedures even if the references are combined and the103 rejection is in error for at least this reason.

Furthermore, referring to page 6 of the Office Action, the Office states that Becker is void of teaching the claimed limitations of *selecting one of a plurality of different search procedures using the accessed information, wherein the different search procedures comprise procedures for identifying unidentified ones of the wireless identification devices.* The Office relies upon the teachings of Shanks at col. 3, lines 32-65 which discloses two different search procedures including a general and specific search procedure. However, the Office has failed to identify any teachings in Shanks as

to how the different general or specific search procedures are selected. Furthermore, the Office has failed to identify any teachings in any of the prior art references which disclose or suggest the specific limitations of *selecting one of a plurality of different search procedures using the accessed information regarding a plurality of wireless identification devices which may be within a communications range of the wireless communications reader.*

Appellants respectfully submit that MPEP 2143.03 (8th ed., rev. 7) provides that *each limitation of a claim must be shown to be taught or suggested by a combination of art for a proper 103 rejection.* Appellants respectfully submit the limitations of selecting one of the different search procedures using the accessed information is not disclosed nor suggested by the prior art references taken alone in combination and the 103 rejection is in error for at least this reason.

Appellants also respectfully submit the combination of limitations recited in independent claim 32 may not be fairly considered to be obvious from the combined teachings of the references. The Office alleges at page 6 of the Office Action that it would have been obvious to combine the teachings of Shanks by using selecting a general or specific interrogation technique to search for RFID tags based on a number/identifier, into the system of Becker, for the benefit of efficiently interrogating a population of RFID tags. However, this alleged combination of teachings, even if a result of a proper combination, fails to teach or suggest the claimed limitations of selecting one of the different search procedures using the accessed information as specifically claimed.

Appellants respectfully submit that teachings of Becker and Shanks fails to teach or suggest the claimed limitations even if the references are combined and the 103 rejection is in error for at least this reason.

As mentioned above, the Office claims that the combination of prior art references is appropriate for the benefit of efficiently interrogating a population of RFID tags. However, the Office has failed to identify any teachings or provide any reasoning as to how the group address information of Becker which allegedly teaches the accessed information would be used to select one of the plural a search procedures of Shanks let alone that if such teachings were so combined that the result would offer any benefit or advantage.

Appellants respectfully submit the Office Action fails to set forth a proper reasoning with a rational underpinning in support of the combination of references. The Office has failed to provide objective evidence in support of the combination and Appellants respectfully submit the Office has improperly relied upon Appellants' disclosure in formulating the 103 rejection. Furthermore, even if the references are combined, the combination fails to teach or suggest positively-recited limitations of the claim including *plural different search procedures for identifying unidentified ones of the wireless identification devices* or *selecting one of the different search procedures using the accessed information regarding a plurality of wireless identification devices which may be within a communications range of the wireless communications reader.*

Appellants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination. Furthermore, Appellants respectfully submit the Office has failed to present a proper

reasoning with rational underpinning in support of the 103 rejection. Appellants respectfully request reversal of the 103 rejection for at least the above-mentioned compelling reasons.

D. Positively-recited limitations of claim 13 are not disclosed nor suggested by Becker and Shanks and the 103 rejection is in error.

Dependent claim 13 recites that *the first and the second of the wireless identification devices comprise wireless identification devices having respective ones of a minimum identifier and a maximum identifier*.

Accordingly, when properly considered in combination with claim 12, claim 13 recites *selecting one of the plurality of different search procedures using the identifyings of the wireless identification devices having a minimum identifier and maximum identifier*.

The Office on page 5 of the Office Action relies upon the teachings of paragraphs 0057 and 0058 of Becker as allegedly teaching the above-recited limitations. However, *these teachings of Becker are void of any reference to wireless identification devices which have a minimum identifier or a maximum identifier*. Furthermore, Appellants have *electronically searched the entirety of Becker and failed to uncover any teachings of wireless identification devices having a minimum and a maximum identifier* let alone the claimed limitations of selecting of one of the different search procedures using the identifyings of the wireless identification devices having the minimum and maximum identifiers as claimed.

Appellants respectfully submit that the combined teachings of Becker and Shanks void of any reference to maximum and minimum identifiers may not be fairly interpreted to teach or suggest the claimed combination of limitations reciting *selecting one of the plurality of different search procedures using the identifyings of the wireless identification devices having a minimum identifier and maximum identifier*.

Appellants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination. Appellants respectfully request reversal of the 103 rejection.

E. Positively-recited limitations of claim 33 are not disclosed nor suggested by Becker and Shanks and the 103 rejection is in error.

Dependent claim 33 recites that the executable instructions are configured to cause the *processing circuitry to access the information comprising a range of identifiers of the wireless identification devices and a number of the wireless identification devices*.

Accordingly, when properly considered in combination with claim 32, claim 33 recites *that the executable instructions are configured to cause the processing circuitry of the wireless communications reader to select one of a plurality of different search procedures using the accessed information comprising a range of identifiers of the wireless identification devices and a number of the wireless identification devices*.

The Office on page 7 of the Office Action relies upon the teachings of paragraphs 0048 and 0056-0058 of Becker as allegedly teaching the above-recited limitations.

However, paragraph 0048 refers to the construction of a frame and fails to teach or suggest the limitations of a range of identifiers of the devices or a number of the devices.

Furthermore, Becker at paragraphs 0056+ teaches selective interrogation of a group of tags with no teachings regarding a range of identifiers of the devices or a number of the devices.

Accordingly, Appellants respectfully submit that, even if the prior art references of Becker and Shanks are combined, the combination of teachings fails to disclose or suggest the limitations of *selection of one of a plurality of different search procedures using the accessed information comprising a range of identifiers of the wireless identification devices and a number of the wireless identification devices*.

Appellants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination. Appellants respectfully request reversal of the 103 rejection.

F. Positively-recited limitations of claims 48 and 49 are not disclosed nor suggested by Becker and Shanks and the 103 rejection is in error.

Dependent claims 48 and 49 each recite that the *search procedures are individually configured to enable identification of a plurality of the wireless identification devices during a single execution of the respective individual search procedure*.

At page 9 of the Office Action, the Office relies upon the teachings of paragraphs 0058-0059 of Becker as allegedly teaching the above-recited limitations. However, this interpretation of Becker as allegedly teaching plurality different search procedures is

contrary to other interpretations of the Becker teachings by the Office. For example, in support of the rejections of claims 1 and 32 from which claims 48 and 49 depend, respectively, the Office stated on page 3 of the Office Action that Becker fails to teach selecting one of a plurality of different search procedures and on page 6 of the Office Action that Becker fails to disclose selecting one of the plurality of different search procedures using the accessed information, wherein the different search procedures comprise procedures for identifying unidentified ones of the wireless identification devices.

Appellants respectfully submit that that Becker fails to teach or suggest a plurality of different search procedures let alone the limitations that the *search procedures are individually configured to enable identification of a plurality of the wireless identification devices during a single execution of the respective individual search procedure* as specifically claimed.

Appellants respectfully submit that positively-recited limitations of the claim are not disclosed nor suggested by the prior art references taken alone or in combination. Appellants respectfully request reversal of the 103 rejection.

G. Conclusion

In view of the foregoing, reversal of the rejections of the claims is respectfully requested. For any one of the above-stated reasons, the rejections of the respective claims should be reversed. In combination, the above-stated reasons overwhelmingly support such reversal. Accordingly, Appellants respectfully request that the Board reverse the rejections of the claims.

Respectfully submitted,

Date: 6/8/09

Attorney: _____

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VIII. CLAIMS APPENDIX

1. [Original] A communications device identification method comprising:

providing identification information regarding a group of wireless identification devices within a wireless communications range of a reader;

using the provided identification information, selecting one of a plurality of different search procedures for identifying unidentified ones of the wireless identification devices within the wireless communications range; and

identifying at least some of the unidentified ones of the wireless identification devices using the selected one of the search procedures.

8. [Original] The method of claim 1 further comprising an article of manufacture embodying executable instructions configured to cause processing circuitry to perform the method of the selecting and the identifying.

9. [Original] The method of claim 1 further comprising communicating data intermediate identified ones of the wireless identification devices and the reader.

10. [Original] The method of claim 9 wherein the communicating from at least one of the wireless identification devices to the reader comprises communicating using backscatter modulation.

11. [Original] The method of claim 1 wherein the reader and the wireless identification devices are configured to implement radio frequency identification device (RFID) communications.

12. [Previously Presented] A communications device identification method comprising:

identifying a first of a plurality of wireless identification devices within a wireless communications range of a reader configured to communicate with the wireless identification devices;

identifying a second of the wireless identification devices within the wireless communications range of the reader;

selecting one of a plurality of different search procedures using the identifyings of the first and the second of the wireless identification devices; and

identifying at least one unidentified wireless identification device within the wireless communications range using the selected one of the search procedures.

13. [Previously Presented] The method of claim 12 wherein the first and the second of the wireless identification devices comprise wireless identification devices having respective ones of a minimum identifier and a maximum identifier.

14. [Original] The method of claim 12 further comprising communicating with at least one of the identified wireless identification devices using the reader after the identifying.

16. [Original] The method of claim 12 further comprising an article of manufacture embodying executable instructions configured to cause processing circuitry to perform the method of the identifyings and the selecting.

32. [Original] An article of manufacture comprising:

a medium comprising executable instructions configured to cause processing circuitry of a wireless communications reader to:

access information regarding a plurality of wireless identification devices which may be within a communications range of the wireless communications reader;

select one of a plurality of different search procedures using the accessed information, wherein the different search procedures comprise procedures for identifying unidentified ones of the wireless identification devices; and

identify unidentified ones of the wireless identification devices using the selected one of the search procedures.

33. [Original] The article of claim 32 wherein the executable instructions are configured to cause the processing circuitry to access the information comprising a range of identifiers of the wireless identification devices and a number of the wireless identification devices.

34. [Original] The article of claim 32 wherein the executable instructions are configured to cause the processing circuitry to implement wireless communications with at least one of the identified wireless identification devices.

35. [Previously Presented] The method of claim 1 wherein the plurality of different search procedures individually comprise a search procedure for identifying the at least some of the unidentified ones of the wireless identification devices within an entirety of the same wireless communications range of the reader.

36. [Previously Presented] The method of claim 1 wherein the plurality of different search procedures individually comprise different steps which are performed to identify the at least some of the unidentified ones of the wireless identification devices.

37. [Previously Presented] The method of claim 12 wherein the plurality of different search procedures individually comprise a search procedure for identifying the at least one unidentified wireless identification device within an entirety of the same wireless communications range of the reader.

38. [Previously Presented] The method of claim 12 wherein the plurality of different search procedures individually comprise different steps which are performed to identify the at least one unidentified wireless identification device.

41. [Previously Presented] The method of claim 1 wherein each of the search procedures is configured to provide unique identifications which completely identify the wireless identification devices.

42. [Previously Presented] The method of claim 1 wherein the providing comprises providing the identification information prior to any communications of the reader with the wireless identification devices.

45. [Previously Presented] The method of claim 12 wherein the search procedures are configured to be implemented independent of one another.

47. [Previously Presented] The article of claim 32 wherein each of the search procedures is configured to be executed by the processing circuitry independent of others of the search procedures to provide unique identifications which completely identify the wireless identification devices.

48. [Previously Presented] The method of claim 1 wherein the search procedures are individually configured to enable identification of a plurality of the wireless identification devices during a single execution of the respective individual search procedure.

49. [Previously Presented] The article of claim 32 wherein the search procedures are individually configured to enable identification of a plurality of the wireless identification devices during a single execution of the respective individual search procedure.

IX. EVIDENCE APPENDIX

Appellants submit no evidence with this appellate brief.

X. RELATED PROCEEDINGS APENDIX

Appellants are not aware of any related proceedings.